



## Clean Energy Future Committee

Date: Friday January 22, 2021

Time: 8:00 a.m.

Location: Conducted via remote participation

To register for the Zoom Meeting:

[https://us02web.zoom.us/meeting/register/tZwpcOupqz8jG9JG8Dk4hwBRVKzjCHuQ3oCy](https://us02web.zoom.us/join/zoom-join?from=addon&url=https://us02web.zoom.us/join/zoom-join?from=addon&url=https://us02web.zoom.us/meeting/register/tZwpcOupqz8jG9JG8Dk4hwBRVKzjCHuQ3oCy)

After registering, you will receive a confirmation email containing information about joining the meeting.

Members of the public are asked to send written comment to: [kpruitt@town.arlington.ma.us](mailto:kpruitt@town.arlington.ma.us).

### **\*Notice to the Public on meeting privacy\***

In the interests of preventing abuse of videoconferencing technology (e.g. "Zoom Bombing") all participants, including members of the public, wishing to participate via Zoom must register for each meeting and will notice multi-step authentication protocols. Please allow additional time to join the meeting. Further, members of the public who wish to participate without providing their name may still do so by telephone at 929-436-2866 Meeting ID: 884 7215 4916.

Documents related to the below agenda items follow as attachments to this document.

### **Agenda**

8:00 – 8:05: Meeting ground rules

8:05 – 8:10: Review & Approve Minutes from 12/18/2020 meeting

8:10 – 8:40: Expectations / Committee Priorities for 2021

8:40 – 9:15: Review draft Net Zero Action Plan

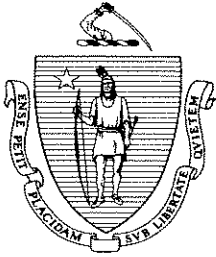
Establish interim GHG emissions targets?

Assign timelines for GHG mitigation measures in Net Zero Roadmap?

Next meeting: February 26

### **Attachments:**

- 1) Governor Charles Baker's 3/12/2020 Executive Order Suspending Certain Provisions of the Open Meeting Law
- 2) Draft minutes from 12-18-2020 meeting



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**CHARLES D. BAKER**  
GOVERNOR

**KARYN E. POLITO**  
LIEUTENANT GOVERNOR

**ORDER SUSPENDING CERTAIN PROVISIONS  
OF THE OPEN MEETING LAW, G. L. c. 30A, § 20**

**WHEREAS**, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus ("COVID-19"); and

**WHEREAS**, many important functions of State and Local Government are executed by "public bodies," as that term is defined in G. L. c. 30A, § 18, in meetings that are open to the public, consistent with the requirements of law and sound public policy and in order to ensure active public engagement with, contribution to, and oversight of the functions of government; and

**WHEREAS**, both the Federal Centers for Disease Control and Prevention ("CDC") and the Massachusetts Department of Public Health ("DPH") have advised residents to take extra measures to put distance between themselves and other people to further reduce the risk of being exposed to COVID-19. Additionally, the CDC and DPH have advised high-risk individuals, including people over the age of 60, anyone with underlying health conditions or a weakened immune system, and pregnant women, to avoid large gatherings.

**WHEREAS**, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise authority over public assemblages as necessary to protect the health and safety of persons; and

**WHEREAS**, low-cost telephone, social media, and other internet-based technologies are currently available that will permit the convening of a public body through virtual means and allow real-time public access to the activities of the public body; and

**WHEREAS** section 20 of chapter 30A and implementing regulations issued by the Attorney General currently authorize remote participation by members of a public body, subject to certain limitations;

**NOW THEREFORE**, I hereby order the following:

(1) A public body, as defined in section 18 of chapter 30A of the General Laws, is hereby relieved from the requirement of section 20 of chapter 30A that it conduct its meetings in a public place that is open and physically accessible to the public, provided that the public body makes provision to ensure public access to the deliberations of the public body for interested members of the public through adequate, alternative means.

Adequate, alternative means of public access shall mean measures that provide transparency and permit timely and effective public access to the deliberations of the public body. Such means may include, without limitation, providing public access through telephone, internet, or satellite enabled audio or video conferencing or any other technology that enables the public to clearly follow the proceedings of the public body while those activities are occurring. Where allowance for active, real-time participation by members of the public is a specific requirement of a general or special law or regulation, or a local ordinance or by-law, pursuant to which the proceeding is conducted, any alternative means of public access must provide for such participation.

A municipal public body that for reasons of economic hardship and despite best efforts is unable to provide alternative means of public access that will enable the public to follow the proceedings of the municipal public body as those activities are occurring in real time may instead post on its municipal website a full and complete transcript, recording, or other comprehensive record of the proceedings as soon as practicable upon conclusion of the proceedings. This paragraph shall not apply to proceedings that are conducted pursuant to a general or special law or regulation, or a local ordinance or by-law, that requires allowance for active participation by members of the public.

A public body must offer its selected alternative means of access to its proceedings without subscription, toll, or similar charge to the public.

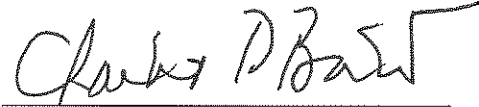
(2) Public bodies are hereby authorized to allow remote participation by all members in any meeting of the public body. The requirement that a quorum of the body and the chair be physically present at a specified meeting location, as provided in G. L. c. 30A, § 20(d) and in 940 CMR 29.10(4)(b), is hereby suspended.

(3) A public body that elects to conduct its proceedings under the relief provided in sections (1) or (2) above shall ensure that any party entitled or required to appear before it shall be able to do so through remote means, as if the party were a member of the public body and participating remotely as provided in section (2).

(4) All other provisions of sections 18 to 25 of chapter 30A and the Attorney General's implementing regulations shall otherwise remain unchanged and fully applicable to the activities of public bodies.

This Order is effective immediately and shall remain in effect until rescinded or until the State of Emergency is terminated, whichever happens first.

Given in Boston at 6:40 PM this 12th day of  
March, two thousand and twenty.

A handwritten signature in dark ink, appearing to read "Charles D. Baker". The signature is written in a cursive, flowing style. The first name "Charles" is written with a large, prominent "C". The last name "Baker" is written with a large, prominent "B". The signature is written above a horizontal line.

CHARLES D. BAKER  
GOVERNOR  
Commonwealth of Massachusetts



## **Clean Energy Future Committee Meeting Minutes**

*Draft – for approval at the 1/22/2021 meeting*

December 18, 2020

8:00 – 9:18 a.m.

Virtual Meeting – Hosted on Zoom

Members present: Jim DiTullio, Ken Pruitt, Dave Levy, Emily Sullivan, Shelly Dein, Dan Amstutz, Pasi Miettinen, Ryan Katofsky, Coralie Cooper, Nellie Akenhead, Marc Breslow, Adam Chapdelaine, Dianne Mahon

Also attending: Jennifer Raitt

Members not present: Marc Breslow

The meeting convened at 8:06 a.m.

### **Video Meeting Procedures**

Mr. Pruitt read a set of prepared remarks explaining the procedures that the Committee would follow to hold a virtual meeting. Governor Baker signed an Executive Order in response to the COVID-19 pandemic allowing virtual meetings, which suspended the usual Open Meeting Law requirement that a quorum of committee members be physically present in order to hold an official committee meeting.

### **Meeting Minutes**

Mr. Pruitt displayed the minutes from the November 20 Meeting. Mr. Pruitt highlighted specific edits suggested by Mr. Amstutz and Ms. Sullivan. Mr. Katofsky suggested an additional edit to the minutes regarding the description of the discussion about Warrant Article 5. Mr. Miettinen motioned to approve the minutes as amended. Ms. Dein seconded the motion. A roll call vote was taken. The Committee unanimously approved the November 20 meeting minutes as amended.

### **Agenda Item 1: Potential 2021 Town Meeting Warrant Article**

Mr. Miettinen presented his concept for a proposed Warrant Article for the Town Meeting in 2021. Mr. Pruitt highlighted that this proposed measure is one of the 31 measures in the draft Net Zero Action Plan that the Committee is working on. Mr. Miettinen provided the context of why he is proposing this Warrant Article, which is that 1) many homes in Arlington are on non-conforming lots based on current zoning, and 2) current zoning rules functionally prevent existing homes on non-conforming lots from being renovated in ways that would allow them to achieve net zero emissions. Mr.

Miettinen highlighted that buildings, specifically homes, are the number one source of greenhouse gas emissions in Arlington.

Mr. Miettinen noted that an average of 8 existing buildings in Arlington would need to be converted to net zero buildings per week in order to convert all 12,000 buildings in Arlington to net zero by 2050. He highlighted his concern that zoning rules for non-conforming lots will need to be changed if to allow for conversion of buildings to net zero. He noted that new homes can be built on non-conforming lots, but that they cannot have new foundations. Without the ability to have new, highly-insulated foundations, it is very difficult if not impossible to retrofit many older buildings to become net zero emissions. Mr. Miettinen also noted that most new construction on non-conforming lots does not have to comply with new, more stringent building codes because the construction is considered as renovation instead of new construction. This is true for energy efficiency standards, and also safety standards, such as driveway steepness which only apply to new construction.

Mr. Miettinen noted that the new energy code diverges depending on if a house is on a new foundation or not a new foundation, because the former is considered new construction and subject to more stringent energy efficiency standards in the building code. He said that energy efficiency requirements in the building code become more stringent roughly every three years with each new version of the building code, but these changes do not currently translate into greater efficiency for new construction on non-conforming lots because that construction is considered renovation instead of new construction. Mr. Levy asked a question regarding feasibility of achieving a net zero home or close to it without a new foundation. Mr. Miettinen noted that without a fully insulated foundation, which is almost impossible to achieve without creating a new foundation, it would be almost impossible to construct a net zero house.

Mr. Amstutz asked if the 12,000 buildings figure cited by Mr. Miettinen is the total number of buildings or units, which is not the same thing for multi-unit buildings. Mr. Miettinen said he was focusing on number of buildings, regardless of if they are commercial, multi-family or single family.

Mr. Miettinen noted that the proposed Warrant article is focused on R0, R1 and R2 zoning, given that trying to modify zoning to promote net zero construction in other zones is more complex. Mr. Miettinen presented his warrant article concept, which focuses on existing lots with existing buildings. He noted that his warrant article would allow new foundations on lots where new homes would be built on the same footprint of the existing home, or if all current zoning dimensional requirements were met (even if the 50 foot frontage or 5,000 square foot total area requirements were not met).

Mr. Katofsky asked about the origin of the efficiency code applying to conforming lots vs. non-conforming lots. Mr. Miettinen noted that the distinction in conformance of energy codes (new construction vs. renovation) is an Arlington interpretation, which has been made over time.

Ms. Aikenhead raised a concern that changing the definition of conforming vs. non-conforming lots based on whether a high energy efficiency standard was met would be

highly controversial. She asked whether it might be better to allow new construction including new foundations on non-conforming lots if they achieved high efficiency, without changing the status of the lot from non-conforming to conforming.

Mr. Miettinen discussed the history of lot size zoning in Arlington, noting examples throughout the town of changes and exceptions that occurred for a variety of reasons. He noted that most non-conforming lots are in East Arlington, although there are many scattered around Arlington.

Mr. Miettinen then asked the Committee to support a warrant article to make this zoning bylaw change. He noted that since this is a zoning warrant article, it will require a two-thirds vote to pass, so there will need to be significant outreach and discussions with a variety of stakeholders.

Mr. Pruitt asked Mr. Miettinen to clarify whether he was asking the Committee for endorsement of the specific language he presented at this meeting, or just to support a warrant article that would achieve the purpose of his concept. Mr. Miettinen stated that he wanted support for the concept, and that the exact language would be worked out over the coming weeks based on input from this committee, the Arlington Redevelopment Board, the Select Board, the Department of Planning and Community Development and other stakeholders.

Ms. Dein applauded Mr. Miettinen's efforts. She said she thought that most new construction on non-conforming lots that would be impacted by this zoning amendment would be undertaken by developers who undertake teardowns rather than existing homeowners. She voiced concern that there are not any incentives for developers to build a net zero home. Mr. Miettinen agreed that he was not aware of any incentives for developers to build net zero homes in Arlington. He then noted that the current building code is the only standard we can apply to new construction.

Ms. Dein pointed out that the draft Net Zero Plan does call for new incentives for construction of high efficiency homes.

Mr. Pruitt, noting the time, asked for any further discussion of this agenda item. Mr. Katofsky made a motion for the CEFC to support this conceptual zoning amendment as presented by Mr. Miettinen. Mr. Levy seconded the motion. Ms. Aikenhead then asked if further language could be introduced or modified prior to final consideration.

Ms. Melofchik, member of the public, voiced concern about greenhouse gases in new cement production and in new construction. Mr. Pruitt said he would forward Ms. Melofchik's email, detailing her concerns, to the Committee.

The Committee then voted unanimously on Mr. Katofsky's Motion for the Clean Energy Future Committee to support the development of a warrant article addressing the inconsistencies of the current zoning bylaw as it applies to conforming vs. non-conforming lots, so that the construction of highly efficient homes would be made more feasible on what are now non-conforming lots.

Based on the length of this discussion, Mr. Katofsky requested that Committee members prepare draft motions before Committee meetings to facilitate more efficient discussions.

### **Agenda Item Two: New Chapter of the Net Zero Plan**

Mr. Pruitt noted that he sent a new chapter of the Net Zero Plan to the Committee earlier in the week. This new chapter is titled Getting to Net Zero. Given the short time remaining in the meeting, Mr. Pruitt asked the Committee to review the chapter later and send suggested edits to him, which he would incorporate into a new draft for Committee review in January. Mr. Miettinen noted that some of the proposed changes to the Net Zero Plan as evidenced in this new chapter were very good. He recommended that future changes to the Plan be limited to improvements to clarity or style, but not change the underlying meaning or principles that the Committee has established earlier, as they were already debated at length in various Committee meetings.

Mr. Amstutz said he has reviewed the new chapter and would send suggested edits. He asked about language at the end of the chapter that seems contradictory – it calls the Net Zero Plan a “living document” but then only recommends edits once every ten years. Mr. Pruitt agreed that this question should be addressed by the Committee at the next meeting.

Ms. Mahon made a motion to adjourn and Mr. Miettinen seconded the motion. The Committee unanimously approved the motion.

The Meeting ended at 9:18am. The next meeting will occur on January 22, 2020.

Submitted by Dave Levy.